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January 8, 2025

Honorable Kathleen Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, N.Y. 10007

MEMO ENDORSED

Re: *Saunders v. Cannabis Emporium Corp.*
Case No. 1:24-cv-05481-KPF

Dear Judge Failla:

We represent the plaintiff, Michael Saunders) in the above-referenced matter brought under the Americans with Disabilities Act. We respectfully request an adjournment of the initial pretrial conference currently scheduled for January 14, 2025, due to the following circumstances.

We filed an Original Complaint on July 3, 2024, against Hush NYC LLC, which we presumed to be the parent of Defendant, Cannabis Emporium Corp., based on incorrect information from the NYS DOS website. Upon realizing our error, we filed an Amended Complaint on December 11, 2024, naming the correct entity, Cannabis Emporium Corp. (Dkt No. 17-2). On December 20, 2024, we filed our Affidavit of Service (Dkt No. 19), thereby requiring Defendant to file their Answer by January 3, 2025.

Despite this deadline, Defendant failed to file an Answer. We subsequently sent a Letter of Introduction to the owners, informing them of the pending lawsuit, our role in this matter, their obligations, and their missed due date for filing their Answer as per the Federal Rules of Civil Procedure. We advised them to contact us immediately to avoid unnecessary litigation.

On January 7, 2025, we received an email from Justice I. Forte, Your Honor's Law Clerk, informing us of the scheduled initial pretrial conference and the necessary compliance requirements prior to the hearing. However, the Defendant has not retained counsel and has failed to file an Answer. We are now directing our request to Your Honor directly.

Given the unique circumstances of this matter, we respectfully request that the Initial Pretrial Conference be rescheduled to a later date. This would allow the Plaintiff the opportunity to directly connect with the Defendant to ensure compliance with Your Honor's Rules. Alternatively, should we fail to connect with Defendant, this adjournment will allow us an opportunity to prepare and file a Default Judgment application.

We thank the Court for its consideration of this request.

Respectfully submitted,

JOSEPH & NORINSBERG, LLC

Sincerely,



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Application GRANTED.

The Court's previous endorsement adjourning the initial pretrial conference was predicated on the representation that Defendant needed additional time to retain counsel and respond to the Complaint. (Dkt. #16). To date, Defendant has not filed an answer, and Plaintiff's counsel represents that Defendant has not retained counsel. The Court will *sua sponte* grant Defendant Cannabis Emporium Corp. an extension of the time to answer or otherwise respond to the Complaint to on or before **February 12, 2025**.

The initial pretrial conference currently scheduled for January 15, 2025, is hereby ADJOURNED to **February 19, 2025, at 2:15 p.m.**

As before, the conference will be telephonic. The dial-in information is as follows: On February 19, 2025, at 2:15 p.m., the parties shall call (855) 244-8681 and enter access code 2315 780 7370.

The Court does not anticipate granting a further extension request for this conference, absent exigent circumstances. Should Defendant continue to fail to appear in this action, the Court expects that Plaintiff will pursue default judgment.

The Clerk of Court is directed to terminate the pending motion at docket entry 21 and to amend the case caption to include the properly named Defendant, Cannabis Emporium Corp., and remove the terminated Defendant, Hush NYC LLC.

Dated: January 8, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE